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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on 14 June 2004, at 3 p.m.

Chairman: Mr. Aisi ..... (Papua New Guinea)

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04-38746 (E)

The meeting was called to order at 3.15 p.m.

Special Committee decision of 9 June 2003 concerning Puerto Rico (A/AC.109/2004/L.3 and A/AC.109/2004/L.7)

Hearing of petitioners (continued)

1. *At the invitation of the Chairman, Ms. Flores (Ithaca Catholic Worker Vieques Support Group) took a place at the petitioner's table.*

2. **Ms. Flores** (Ithaca Catholic Worker Vieques Support Group) said that she supported the Puerto Rican people's non-violent struggle for self-determination and nationhood. The people of Vieques understood that their struggle to remove the United States Navy was intertwined with that of others around the globe, including in Iraq and the Palestinian territories, who were suffering under the yoke of the same United States military imperial power. Her Group, which worked to increase public awareness about the Vieques and Puerto Rican struggle for liberation, urged the immediate clean up of the toxins and severe contamination, including the contamination caused by radioactive depleted uranium, left behind after 60 years of bomb testing. It also urged the immediate return to the people of Vieques of all land taken, first by the United States Navy and currently by the United States Fish and Wildlife Service. The fine radioactive dust produced by the use of live depleted uranium ammunition in Vieques as well as in the two Gulf wars, was known to cause leukaemia, severe nerve damage, cancer and many other forms of illness, including genetic deformities resembling those found in victims of the nuclear bombing of Hiroshima and Nagasaki. At a trial she had attended in March 2000 called "Ploughshares vs. depleted uranium", the judge had prevented defendants from calling expert witnesses to testify that the use of depleted uranium was a war crime and a crime against humanity and that it violated international law.

3. Vieques had a cancer rate some 26 per cent higher than in the main island of Puerto Rico. There was no proper facility in Puerto Rico to test for the presence of depleted uranium in urine or blood. Such testing had to be done in the United States or Germany. If the United States military were to admit the true monetary figure of the damage caused in Vieques, billions of dollars would be needed for the clean-up and for reparations to the victims of depleted uranium contamination.

4. Much still remained to be done, as the people of Vieques and Puerto Rico continued the struggle to decontaminate their island and have their lands returned. The military's decision to use depleted uranium in spite of prohibition under Pentagon rules and its obvious health risk displayed a blatant disregard for human life and well-being. That was one of the more deliberate examples of the unnecessary suffering of the Puerto Rican people caused by the United States colonizer. She urged the Special Committee to consider the evidence and recognize the right of the Puerto Rican people to self-determination.

5. *Ms. Flores withdrew.*

6. *At the invitation of the Chairman, Mr. Iniquez (Venceremos Brigade) took a place at the petitioner's table.*

7. **Mr. Iniquez** (Venceremos Brigade) said that, pursuant to its mission, the Venceremos Brigade had been organizing visits to Cuba for 35 years to provide United States citizens with an opportunity to express friendship with Cuba and to experience Cuban society at first hand. The Venceremos Brigade believed that Puerto Rico, like Cuba, had the right to sovereignty and independence, a right upheld by international law.

8. Puerto Rico was a colony of the United States, not a "Commonwealth" or any other euphemism that might be used to try to disguise that outright violation of international law. The relationship between Puerto Rico and the United States mirrored the relationships that historically all colonies had shared with their so-called "mother countries". The transformation of the Puerto Rican economy to benefit United States economic interests, mass migrations of Puerto Ricans to the mainland United States, the limited power of Puerto Ricans in government, and military occupation were all manifestations of that colonial relationship.

9. Despite international laws and resolutions declaring colonialism an international crime and affirming the rights of all colonized peoples to any form of struggle, individuals and organizations that had organized and struggled to achieve an independent Puerto Rico had been severely repressed by the colonial Government of the United States. Several generations of Puerto Rican independence fighters had been imprisoned in the United States over the past

three decades. People living in the United States of America who were concerned about peace and justice had a duty to speak out against oppression and exploitation committed by the United States Government. The Venceremos Brigade supported Puerto Rico's undeniable right to become a sovereign nation and would continue to condemn the United States Government's colonial hold on Puerto Rico.

10. *Mr. Iniquez withdrew.*

11. *At the invitation of the Chairman, Ms. Sarmiento (Socialist Workers Party), took a place at the petitioner's table.*

12. **Ms. Sarmiento** (Socialist Workers Party) said that the withdrawal of the United States Navy from Vieques had been a victory for the people of Vieques in their struggle against United States colonial domination over Puerto Rico and was an example for all those throughout the world combating imperialist exploitation and domination. The United States Government should release all those who had been imprisoned for campaigning for the withdrawal of the United States Navy from Vieques and the United States Government should decontaminate the island. That Government's continued defiance of the will of the Puerto Rican people clearly showed that Puerto Rico was a colony of the United States.

13. Indeed, contrary to the statements of United States leaders, the country was divided along class lines: the tiny ruling class of billionaire families that benefited from the colonial domination and systematic exploitation of the land, labour and resources of Puerto Rico and the workers of the United States, who had no interest in the colonial domination of Washington over Puerto Rico. On the contrary, the common enemy of the Puerto Rican people and workers of the United States was the billionaire ruling class, the United States Government and the Democratic and Republican parties.

14. The Socialist Workers Party had been defending the struggle for Puerto Rican independence since 1938. The United States leaders claimed to be defending human rights, peace, democracy and freedom. She wondered whether they were not defending only the rights and privileges of the rich elite. In that regard, the crimes committed against Iraqi prisoners demonstrated the true face of United States imperialism and were merely an extension of the humiliation and brutality inflicted on prisoners in the United States. Indeed, with 2 million men and women behind bars, the United States Government was the biggest jailer in the whole world. It was also subjecting hundreds of men and teenagers imprisoned at the naval base in Guantánamo, which was territory occupied against the will of the Cuban people, to abuse and humiliation.

15. The imperialist occupation of Iraq was but one aspect of the efforts of the United States and its rivals in France, the United Kingdom, Germany, Spain and Japan to carve up the world. United States leaders had used Puerto Rico as a base to launch their imperialist wars, from the invasion of Grenada in 1983 to the bombing of the former Yugoslavia in 1999 and the invasion of Iraq the previous year. They used young Puerto Ricans as cannon fodder in those wars of expansion. United States colonial rule of Puerto Rico reinforced discrimination and racist prejudices against the 2.7 million Puerto Ricans living in the United States and Blacks, Chicanos and other oppressed nationalities. As long as Puerto Rico remained a colony, Puerto Ricans would be treated as second class citizens.

16. The so-called war against terrorism abroad, the banner under which Washington waged its imperialist aggression throughout the world, had a domestic equivalent — the war against workers within the United States waged under the banner of homeland defence. For instance, the recent United States congressional hearings on the attacks of 11 September were used to launch a joint Democratic and Republican party campaign to give the Federal Bureau of Investigation (FBI) and other political police agencies broader powers to spy on, harass and fabricate cases against workers who resisted employers or opposed United States government policies. For decades, Puerto Rican independence fighters had been smeared as "terrorists" to justify FBI attacks against them.

17. She welcomed the release of the Puerto Rican patriot, Juan Segarra Palmer, and appealed for the release of four other political prisoners and independence fighters who had been jailed for more than 25 years, making them some of the longest-held political prisoners in the world.

18. United States employers and Government were stepping up their offensive to cut salaries and workers' rights, although they were meeting stiff resistance. Indeed, some of the workers had even scored significant victories: workers at Point Blank Body

Armor Inc. had recently won the right to have a union, as had the Co-Op Miners in Utah. There was also resistance to everyday police brutality, including raids on factories and detentions by the immigration police. Recently, Farouk Abdel-Muhti, who had advocated self-determination for Palestine, had been released following two years in detention without charges. She joined other speakers in demanding the release of the five Cubans who had been jailed in the United States merely for trying to collect information on extreme right groups with a history of fomenting violent attacks against Cuba with the complicity of Washington.

19. In the face of worsening conditions for the majority, the United States leaders, who enriched themselves from the labour and resources of millions of people throughout the world, had the nerve to tell the Puerto Rican people that they could not survive on their own. However, the example of the Cuban workers and peasants had proved the contrary. The Cuban Revolution had proved that it was possible to fight and win independence from United States domination. Cuba had consistently defended the Puerto Rican struggle for independence and a free Puerto Rico could count on the unconditional solidarity of Cuba. Condemnation of colonial rule over Puerto Rico would serve the interest of the majority of the people of the United States and of all those fighting everywhere for the right to self-determination and the future of humanity.

20. *Ms. Sarmiento withdrew.*

21. *At the invitation of the Chairman, Mr. Guadalupe Ortiz (Committee for the Rescue and Development of Vieques) took a place at the petitioner's table.*

22. **Mr. Guadalupe Ortiz** (Committee for the Rescue and Development of Vieques) said that, more than a year after the withdrawal of the United States Navy, the United States Government had still not begun working on plans to decontaminate the island and pay compensation for the damage caused by tons of explosives and radioactive materials left in the Vieques ecosystem. In withdrawing the Navy, the United States Federal Government still exercised control over one third of the island through the Fish and Wildlife Service, which claimed that it did not have any budget for the decontamination of the island and return of land. Meanwhile, five Vieques peace campaigners had been thrown into federal prisons by the Fish and Wildlife Service, which had not imposed a single fine against any of the dozens of yachtsmen who were contaminating the beaches of Vieques under its control.

23. The fact that Vieques was no longer a bombing and shooting range did not mean that injustice against the people of Vieques had ceased. Indeed, they continued to be harassed and persecuted and to be treated like criminals on land that by natural law belonged to them, and were often threatened with weapons and frequently fined.

24. He wished to draw the Committee's attention to and to denounce the fact that the transfer of a third of the island to the Fish and Wildlife Service was not done to initiate the decontamination and return of lands to the people but rather to maintain the imperial Power's control over Vieques and leave the door open for the United States armed forces to regain control of the island, a prospect which was not unlikely bearing in mind the pattern of United States federal government behaviour in such situations.

25. There was still considerable unexploded ordnance in Vieques, including shells and materiel containing depleted uranium, land mines and various toxic metals. Owing to the presence of such military waste, cancer rates in Vieques were much higher than in the rest of Puerto Rico.

26. The United States Government owed it to the Puerto Rican people to decontaminate the island's ecosystem and give priority to the health and safety of nearly 10 million inhabitants and tens of thousands of tourists, who visited Vieques every year, providing one of the few sources of income to the people of Vieques who had been marginalized from the world economy over the past 60 years by being restricted to less than a third of their territory because of the military interests of the Government that had a stranglehold over Puerto Rico.

27. Following the end of military operations and the return of a portion of the occupied lands by the United States federal agencies, Vieques was in a position to enter the twenty-first century with a development plan that was compatible with its environment, cultural characteristics and the democratic decisions of the majority of the people. However, Vieques had not achieved full sovereignty and the democratic decisions of its inhabitants were being sabotaged by economic interests supported by the political and economic machinery governing Puerto Rico.

28. Referring to the 19 January 1999 project description of Sunbay Resort Development, an article by John Todd in *The New York Times* of 26 July 2003 and another article of 28 August 2003 in the same newspaper, he denounced the fact that powerful financial interests, acting with impunity and protected by their imperial — colonial ties, planned, invested, purchased and built in Vieques those facilities which were of the greatest advantage to them, even when the social institutions of Vieques and the mayor elected by the people were opposed to their mega-projects, which did not involve the people and militated against the desire of the people of Vieques for self-sustaining development.

29. His organization had set itself four goals: demilitarization, return of the land, decontamination and development. As a result of the people's struggle buoyed by international solidarity, the target of demilitarization had been achieved. However, the targets of decontamination, return of the land and development of Vieques were being co-opted by the colonial situation in Puerto Rico. It was therefore relevant and necessary for the Special Committee to take note of that situation and denounce it as being a direct result of the lack of sovereignty of the Puerto Rican people.

30. Since the Committee recognized that Puerto Rico did not yet exercise sovereignty over its territory, the United Nations must urge the United States to decontaminate Vieques, pay compensation for all the damage done, return the land to the people of Vieques and respect the democratic decisions of the people of Vieques with regard to the social and economic development plans that they wanted for the present and future of the island.

31. *Mr. Guadalupe Ortiz withdrew.*

32. *At the invitation of the Chairman, Mr. Felix Colon Morera (Movimiento Independentista Nacional Hostosiano) took a place at the petitioner's table.*

33. **Mr. Felix Colon Morera** (Movimiento Independentista Nacional Hostosiano) said that the Movement had come into being on 16 May 2004 as a result of the merging of two organizations which had previously appeared before the Special Committee: the Hostosiano National Congress and the New Independent Movement for Puerto Rico. His organization whole-heartedly endorsed the draft resolution submitted by Cuba (A/AC.109/2004/L.7). On 31 May 2003, the end of bombing on the island of Vieques had been greeted with nationwide celebrations. The struggle to stop the bombing had united Puerto Ricans, regardless of political and religious affiliation. Trade unions and municipally organized groups had lobbied the United States Congress with international support as well as support from American civil society. Civil disobedience had led to the arrest and imprisonment of many. After the military command of the United States Navy had announced that it could not justify the use of the Roosevelt Roads Naval Base in the municipality of Ceiba, Congress had approved the closing of the base in 2003. Currently, the decontamination of Vieques lands had become a priority. The Governor of Puerto Rico had invoked provisions of Federal law on the clean-up of contaminated areas to ensure that the United States Navy would decontaminate Vieques and Culebra and a response to his request was awaited. More remained to be done to secure the return to the people of Vieques of the lands still held by the Department of the Interior. By August 2005, the Navy should have identified areas contaminated on the Roosevelt Roads Base in Ceiba and proposed a decontamination plan.

34. Since 8 May 2003, both the Puerto Rican Senate and the House of Representatives had received from the National Bar Association draft laws proposing that the Puerto Rican people should be consulted on the creation of a constituent assembly on status. The country was overburdened by the weight of its political status under the 1950 Federal Relations Act and the resultant all-embracing powers of the United States Government over Puerto Rico's national collective will. In the past 104 years of political relations, the United States had failed to adopt a decolonization policy and Puerto Ricans had yet to exercise their right to self-determination. The constitutional status assembly approach was being advanced as a full mandate for the people to address that political situation. Delegates selected by the people would have the authority to discuss and negotiate with the United States Government mutually acceptable terms for a legal relationship based on sovereignty. The assembly would meet independently of the government, establish its own electoral rules, and propose elements of proportionality, territorial integrity and democratic participation which should be respected. At various stages of the process, the people would be consulted. The proposed constitutional assembly on status had

been gaining support in all ideological spheres, having been drafted by members of the Bar Association irrespective of party consideration. Also, the proposed legislation had the support of the three main parties, newly created political groups and civil society in Puerto Rico. The strengthening of that anti-colonial sentiment may well have motivated President Bush to call for the reactivation of the White House Inter-Agency Status Task Force. Members of that Task Force had met with the leaders of the political parties a few weeks earlier and John Kerry, the presumptive Democratic presidential candidate, was committed to working to resolve the problem of the status of Puerto Rico without preconditions.

35. The draft resolution requested the release of political prisoners still serving sentences in the United States as a result of their agitation for independence and their relentless struggle to restore to the people the lands still held by the United States Navy in Vieques. His group believed that the imprisonment of those activists resulted from the subjugation of Puerto Rico. The eradication of colonialism and the achievement of independence had been the fundamental pillar for the foundation of his organization, which was made up of hundreds of experienced leaders and activists expressing the growing indignation of their people at the lack of recognition of their national sovereignty. Shipping laws enacted by the United States Congress also prevented Puerto Rico from trading with other nations and developing economically. The trafficking in weapons, drugs and illegal migration could be blamed on the inability of the United States to guard the coasts of Puerto Rico. Extreme poverty, governmental corruption, ineffective health and housing programmes, mental illness, domestic violence and suicides were stigmas which could not be combated effectively using a colonial approach. It was his hope that the Special Committee would continue to recognize and to address the problem by helping to eradicate colonialism from the face of the earth.

36. *Mr. Felix Colon Morera withdrew.*

37. *At the invitation of the Chairman, Mr. Miguel Otero Chaves (Gran Oriente Nacional de Puerto Rico) took a place at the petitioner's table.*

38. **Mr. Miguel Otero Chaves** (Gran Oriente Nacional de Puerto Rico) said that, since its establishment in 1948, the masonic purpose of his organization had been the independence of Puerto Rico. As part of that struggle, it had been appearing before the Special Committee since 1972 to demand support for the inalienable right to self-determination and independence of Puerto Rico. In the past two years, the Special Committee had adopted by consensus the resolution supporting Puerto Rico's right to self-determination and independence and recommending that the General Assembly should consider the colonial situation which the United States Government had maintained over his homeland for more than a century. The Special Committee should emphatically reiterate its recommendation to the General Assembly. For more than 166 years, Puerto Rican men and women had given their lives, their freedom and their property to the struggle to liberate their homeland from United States colonialism. Currently several of them were imprisoned in the United States. The Special Committee should reiterate its demand for their immediate and unconditional release.

39. Recently, the international community had unanimously rejected the torture and humiliation to which prisoners in the custody of the United States Armed Forces in Guantánamo, Cuba and various prisons in Iraq and Afghanistan, had been subjected. Those atrocities had come as no surprise to the people of Puerto Rico, because their own patriots had suffered similarly for more than a century. More recently, Puerto Rican citizens had confronted the United States Navy in civil disobedience, peacefully and without weapons until they had secured the cessation of bombing in Vieques. When arrested, they had been imprisoned in metal cages built for guard dogs, left to the mercy of the weather; several women among them, including two members of the Puerto Rican Senate, had been sexually harassed. The previous year, the Special Committee had watched a film documenting those facts which, as in the cases of Guantánamo, Iraq and Afghanistan, had been made by the officials themselves, demonstrating yet again their sense of arrogance and impunity. Among the political prisoners were several civil disobedience demonstrators, who should be immediately and unconditionally released. In recent years, the United States District Court in Puerto Rico and the Department of Justice had declared their intention to impose the death penalty for violations of United States law committed in Puerto Rico. Yet the legislature in Puerto Rico had abolished the death penalty in 1929 and the 1952 Constitution of Puerto Rico had also prohibited that barbaric penalty. He

hoped the Committee would express its rejection of that intent, when it passed the draft resolution.

40. Although it had been more than three decades since the patriotic struggle and international opinion had forced the United States Navy to cease its bombings on the island of Culebra, the land remained contaminated. The Government of the United States had adopted the same irresponsible attitude where the island of Vieques was concerned. The Special Committee should therefore send a strong message urging that Government to honour its obligation to decontaminate the affected lands on both islands and to return them to the people of Culebra and Vieques. His organization supported the mechanism of the status assembly as a way of determining future political relations between Puerto Rico and the United States. In line with the recommendation of the National Bar Association of Puerto Rico, which had been approved by both the Senate and House of Representatives of Puerto Rico, that assembly, elected by universal suffrage, would exercise Puerto Rico's inalienable right of self-determination and independence and negotiate the conditions for an alternative status with the Government of the United States. The decolonization process would thus not be subject to the Federal Relations Act which currently governed the political relationship between Puerto Rico and the United States. The Territorial Clause of the United States Constitution complying with the norms of international law would result in a transfer of the sovereign powers over Puerto Rico to the Puerto Ricans in a process which should be monitored by the United Nations. The Special Committee should take the affirmative action required for the General Assembly to end the colonial status of his country.

41. *Mr. Miguel Otero Chaves withdrew.*

Draft resolution A/AC.109/2004/L.7 and document A/AC.109/2004/L.3

42. **Mr. Orlando Requeijo Gual** (Cuba), introducing draft resolution A/AC.109/2004/L.7, said that his country had a historical commitment to Puerto Rico dating from the time when both countries had been under Spanish colonialism.

43. Previous resolutions had appealed to the Government of the United States to end its military manoeuvres and exercises on the island of Vieques, reflecting the will and resistance of the people of Puerto Rico and Vieques and the existence of a broad movement of international solidarity. In 2003, the United States Navy had ceased the bombing, to the deep satisfaction of Puerto Ricans and those who had participated in the wide campaign of international solidarity. Just two months previously, the United States Naval Base at Roosevelt Roads, Ceiba, had been closed down. He paid tribute to the thousands of people in Vieques, Puerto Rico and the world at large who had demonstrated to stop the war manoeuvres and to the hundreds arrested and imprisoned. The death of David Sanes during a bombing manoeuvre in 1999 had catalysed opposition to those exercises. The people of Vieques and Puerto Rico as a whole now awaited the return of the lands previously used and still occupied by the United States Department of the Interior.

44. More than six decades of bombing had contaminated the waters and beaches of Vieques, not only damaging the local economy but also seriously endangering the health of the population. The priorities of the people of Vieques included cleaning up those areas impacted by projectiles, dealing with the serious effects of the exercises on the health of the inhabitants and reclaiming those areas which had suffered serious environmental degradation. The President of the United States was being requested to release all Puerto Rican political prisoners still serving sentences for causes related to the Puerto Rican independence struggle and the situation in Vieques.

45. The draft resolution also reflected the views of all States members of the Non-Aligned Movement, which in the final declaration of its thirteenth Summit of Heads of State and Government held in Kuala Lumpur, Malaysia, had renewed its commitment to the question of Puerto Rico and requested the Special Committee to continue to keep it under study. Changes had been made in the previous year's resolution by adding references to persons imprisoned for reasons relating to the Vieques Island struggle for peace.

46. **The Chairman** said that if he heard no comments on and objections to the draft resolution as orally revised, he would consider that members of the Special Committee wished to adopt it.

47. *It was so decided.*

The meeting rose at 4.25 p.m.